



<NOTICE>

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FEDERAL ENERGY REGULATORY COMMISSION

Yuba County Water Agency

Project No. 2246-058

NOTICE OF DISPUTE RESOLUTION PROCESS SCHEDULE, PANEL MEETING, AND TECHNICAL CONFERENCE

On October 20, 2011, the National Oceanic and Atmospheric Administration's, National Marine Fisheries Service (NMFS), filed a Notice to initiate a formal study dispute resolution process, pursuant to 18 CFR 5.14, in the relicensing proceeding for the Yuba County Water Agency's (YCWA) Yuba River Hydroelectric Project No. 2246. NMFS disputes the treatment of several of its study requests, filed on March 7, 2011, in the Commission's study plan determination, issued on September 30, 2011. NMFS specifically identifies study requests one through six and study request eight as the disputed components of its, March 7, 2011 filing. In its study requests one through six NMFS requested studies of the effects of project and related activities on: 1) fish passage for anadromous fish; 2) hydrology for anadromous fish; 3) water temperatures for anadromous fish migration, holding, spawning, and rearing needs; 4) coarse substrate for anadromous fish: sediment supply, transport, and storage; 5) large wood and riparian habitat for anadromous fish; and 6) loss of marine-derived nutrients in the Yuba River, respectively. In study request eight, NMFS requested a study of, "anadromous fish ecosystem effects analysis: synthesis of direct, indirect, and cumulative effects of the project and related facilities on anadromous fish."

In its October 20, 2011 filing, NMFS designated David K. White as its dispute resolution panel member. On October 25, 2011, Commission staff designated Stephen P. Bowler to serve in the Commission staff role of dispute resolution panel chair. From an established list of potential third party panelists, Mr. Bowler and Mr. White selected Mr. Richard E. Craven and requested that he serve on the panel. Mr. Craven agreed to serve and the panel convened on November 7, 2011. Mr. Craven's statement certifying that he has no conflict of interest, which also summarizes his qualifications, is attached. None of the three panelists have been involved previously in the Yuba River Hydroelectric Project relicensing proceeding.

The panel will hold an all-day technical conference on the disputed studies on November 30, 2011. The conference will be held in Sacramento, CA. Further details will be supplied in a future notice. The purpose of the technical conference is for the

disputing agency, the applicant, and the Commission to provide the panel with additional information necessary to evaluate the disputed studies. All local, state, and federal agencies, Indian tribes, and other interested parties are invited to attend the meeting as observers. The panel may also request information or clarification on written submissions as necessary to understand the matters in dispute. The panel will limit all input that it receives to the specific studies or information in dispute and will focus on the applicability of such studies or information to the study criteria stipulated in 18 CFR 5.9(b). If the number of participants wishing to speak creates time constraints, the panel may, at its discretion, limit the speaking time for each participant.

The process plan for dispute resolution is as follows:

Responsible Party	Pre-Filing Milestone	Date	FERC Regulation
NMFS	Disputes Filed	10/20/2011	5.14(a)
Dispute Panel	Third Dispute Panel Member Selected	11/4/2011	5.14(d)(3)
Dispute Panel	Dispute Resolution Panel Convened	11/7/2011	5.14(d)
YCWA	Applicant Comments on Study Disputes Due	11/14/2011	5.14(i)
FERC	Notice of Dispute Resolution Panel Technical Conference	11/9/2011 (with details on or before 11/16/2011)	Guidance
Dispute Panel	Dispute Resolution Panel Technical Conference	11/30/2011	5.14(j)
Dispute Panel	Dispute Resolution Panel Findings Issued	12/9/2011	5.14(k)
FERC	Director's Study Dispute Determination	12/29/2011	5.14(l)

For more information, please contact Stephen Bowler, the dispute panel chair, at stephen.bowler@ferc.gov or 202-502-6861.

Dated: November 9, 2011

Kimberly D. Bose,
Secretary.

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Richard E. Craven
Craven Environmental Consulting
19710 Schaefer Drive
Oregon City, OR 97045

November 7, 2011

Reference: Dispute Resolution for the Yuba River Hydroelectric Project (P-2246-058)

Dear Secretary Bose:

I, Richard E. Craven, certify that to the best of my knowledge, I have had no prior involvement in the Yuba River Hydroelectric Project (P-2246-058) proceedings, and I have no other financial or other conflict of interest that would prevent me from impartially serving as an independent, third-party member of a study dispute resolution panel established pursuant to 18 CFR §5.14(d) in response to the notice of study dispute filed by the National Marine Fisheries Service on October 20, 2011. My qualifications for serving as a third-party dispute resolution panel member for the subject dispute follow.

I have worked on water resource development projects as an environmental consultant in Oregon and other states for over 30 years. My project experience includes preparation of numerous environmental documents, including environmental assessments (EAs), environmental impact statements (EISs), biological assessments (BAs), and FERC applications. All projects have involved extensive consultation and negotiation involving state and federal agencies and in multiple cases I have played a central role in resolving complex disputes.

My technical expertise includes instream flow incremental methodology (IFIM), habitat evaluation procedure (HEP), fish passage evaluation and conceptual design, fish screening, water quality assessment, temperature modeling, and sediment and erosion control. I have bachelors and masters degrees in zoology from Oklahoma State University, with a masters-level focus on fisheries and aquatic ecology. I also have completed post-masters coursework, formal training in IFIM and HEP (from the U.S. Fish and Wildlife Service), and extensive mediation training. I have been appointed to

and served on Oregon Fish Passage Task Force and the Oregon Fish Screen Task Force.

With my broad background in aquatic sciences, specific experience in fish passage and related topics, and history of contributing to constructive solutions to complex issues associated with water development projects, I am well-qualified to serve as a third-party dispute resolution panel member for this dispute. I look forward to doing so.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Craven', with a stylized flourish extending to the right.

Richard E. Craven

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